

REMARKS

Reconsideration and allowance of the above-identified application are respectfully requested. Claims 1-9 are now pending, wherein claims 1 and 2 have been amended and claims 5-9 have been added. Claim 1 has been amended to place it in U.S. claim format and this amendment is not a limiting amendment.

Applicants appreciate the Examiner's consideration of the document cited in the Information Disclosure Statement filed April 25, 2002 and the Examiner's acknowledgement of Applicants' claim for foreign priority and that a copy of the priority document has been received.

The title is objected to as not being descriptive. The title has been amended as suggested in the Office Action. Accordingly, withdrawal of this objection is respectfully requested.

Claims 1-3 are rejected under 35 U.S.C. § 103(a) as being obvious in view of the combination of U.S. Patent No. 6,661,472 to Shintani et al. ("Shintani") and U.S. Patent Application Publication No. 2001/0052124 to Kim et al. ("Kim"). Claim 4 is rejected under 35 U.S.C. § 103(a) as being obvious in view of the combination of Shintani, Kim and U.S. Patent No. 6,483,547 to Eyer ("Eyer"). These grounds of rejection are respectfully traversed.

The combination of Shintani and Kim does not render Applicants' claim 1 unpatentable because the combination does not disclose or suggest that the control unit "selects a sub-channel having the largest sub-channel number, when

receiving the instruction by the UP key and not finding an upward adjacent channel in the main channel with reference to the channel information.” Additionally, the combination does not disclose or suggest that the control unit “selects a sub-channel having the smallest sub-channel number, when receiving the instruction by the DOWN key and not finding a downward adjacent channel in the main channel with reference to the channel information.”

The Office Action acknowledges that Shintani does not disclose or suggest the sub-channel selection recited in Applicants’ claim 1, but relies upon Kim for such a disclosure. Kim discloses that when the up key is selected (“Yes” path out of step 410) and the minor channel number is the highest channel number (“Yes” path out of step 414), then the program with the *lowest* minor channel number is selected. In contrast, Applicants’ claim 1 recites that when an instruction by the UP key is received and there is no upward adjacent channel in the main channel found, then the “sub-channel having the *largest* sub-channel number” is selected. (emphasis added).

Moreover, Kim discloses that when the down key is selected (“Yes” path out of step 412) and the minor channel number is the lowest channel number (“Yes” path out of step 422), then the program with the *highest* minor channel number is selected. In contrast, Applicants’ claim 1 recites that when an instruction by the DOWN key is received and there is no downward adjacent channel in the main channel found, then the “sub-channel having the *smallest* sub-channel number” is selected. (emphasis added).

Accordingly, Kim does not disclose or suggest the sub-channel selection by the control unit recited in Applicants' claim 1. Therefore, the combination of Shintani and Kim cannot render this claim obvious.

The combination of Kim and Shintani does not render Applicants' claim 2 obvious because the combination does not disclose or suggest that "the control unit searches the main channel currently received in reciprocation for the sub-channel to be selected when there is not the upward/downward adjacent sub-channel in the channel information, wherein the search in reciprocation is a search for an adjacent minor channel in an opposite direction from a direction selected by the operation key."

As discussed above with regard to claim 1, Kim discloses selecting the lowest minor channel number when the up key is selected and there is no higher channel number, and selecting the highest minor channel number when the down key is selected and there is no lower channel number. Kim does not disclose or suggest "a search for an adjacent minor channel in an opposite from a direction selected by the operation key" as recited in Applicants' claim 2. Accordingly, the combination of Shintani and Kim does not render Applicants' claim 2 obvious.

Claim 3 is patentably distinguishable over the combination of Shintani and Kim by virtue of its' dependency from claim 2.

Eyer is cited for a feature recited in claim 4. However, Eyer does not remedy the above-identified deficiencies of the combination of Shintani and Kim

with respect to claim 2, from which claim 4 depends. Therefore, the combination of Shintani, Kim and Eyer does not render Applicants' claim 4 unpatentable.

For at least those reasons stated above, it is respectfully requested that the rejection of claims 1-4 for obviousness be withdrawn.

Claim 1 is rejected for nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 7,050,117 ("117 patent") in view of Kim. This ground of rejection is respectfully traversed.

The Office Action identifies the sub-channel selection of claim 1 of the present application as being missing from claim 1 of the '117 patent and relies upon Kim for this disclosure. As discussed above, Kim does not disclose or suggest this sub-channel selection of claim 1 of the present application. Accordingly, it is respectfully submitted that claim 1 of the present application is patentably distinguishable over claim 1 of the '117 patent in view of Kim. Accordingly, Applicants respectfully request that this ground of rejection be withdrawn.

New claims 5-8 are patentably distinguishable over the current grounds of rejection by virtue of their dependency from claims 1 and 2.

New claim 9 recites similar elements to those discussed above with regard to claim 1, and accordingly, is patentably distinguishable over the current grounds of rejection for similar reasons to those discussed above with regard to claim 1.

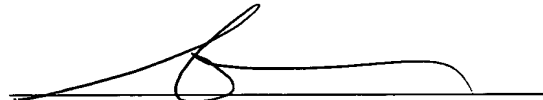
Serial No. 10/058,035
Amendment Dated: August 8, 2006
Reply to Office Action Mailed: May 16, 2006
Attorney Docket No. 010482.50894US

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #010482.50894).

Respectfully submitted,

August 8, 2006


Stephen W. Palan
Registration No. 43,420

CROWELL & MORING LLP
Intellectual Property Group
P.O. Box 14300
Washington, DC 20044-4300
Telephone No.: (202) 624-2500
Facsimile No.: (202) 628-8844
SWP:crr
2800650